

#24
(3)

PATENT
DIV-1140-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Jay M. SHORT
U.S. Serial No. : 09/375,605
Filing Date : August 17, 1999
For: : **Production of Enzymes having Desired Activities by
Mutagenesis**
Examiner : Nashaat T. Nashed, Ph.D.
Art Unit : 1652

TERMINAL DISCLAIMER

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Diversa Corporation of San Diego, California, U.S.A., the assignee of record of the entire right, title and interest of the subject application by virtue of an Assignment of prior application U.S. Serial No. 08/651,568, recorded May 22, 1996, a copy of which Assignment is attached hereto, hereby disclaims, except as provided below, the terminal portion of the statutory term of any patent granted on the above-identified patent application, U.S. Serial No. 09/375,605, which would extend beyond the earliest expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173 of any patent to issue from U.S. Serial No. 09/714,780, filed November 15, 2000, and hereby agrees that any patent granted on the subject application shall be enforceable only for and during such period that the legal title to such patent shall be the same as the legal title to any patent to issue from U.S. Serial No. 09/714,780, this agreement to run with any patent granted on the subject application and to be binding upon the grantee, its successors and assigns.

NEWYORK 71347v1

Terminal Disclaimer

Applicant: Jay M. Short

U.S. Serial No.: 09/375,605

Filed: August 17, 1999

Page 2

Docket No. DIV-1140-2

In making the above disclaimer, Diversa Corporation does not disclaim the terminal part of any patent granted on the subject application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of any patent to issue from U.S. Serial No. 09/714,780 in the event that such prior patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

I have reviewed the assignment attached hereto and certify that to the best of my knowledge and belief, Diversa Corporation, has the entire right, title and interest in the subject application. I further certify that I am authorized to sign this Terminal Disclaimer on behalf of Diversa Corporation.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

DIVERSA CORPORATION

Date: 12 June 2003

By: Carolyn Erickson
Carolyn Erickson
Vice President, Intellectual Property
Diversa Corporation

#24

PATENT
DIV-1140-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Jay M. SHORT
U.S. Serial No. : 09/375,605
Filing Date : August 17, 1999
For: : **Production of Enzymes having Desired Activities by
Mutatgenesis**
Examiner : Nashaat T. Nashed, Ph.D.
Art Unit : 1652

TERMINAL DISCLAIMER

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Washington, D.C. 20231

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In making the above disclaimer, Diversa Corporation does not disclaim the terminal part of any patent granted on the subject application that would extend to the expiration date of the full

NEWYORK 62809v1

Terminal Disclaimer

Applicant: Jay M. Short

U.S. Serial No.: 09/375,605

Filed: August 17, 1999

Page 2

Docket No. DIV-1140-2

statutory term as defined in 35 U.S.C. §154 to §156 and §173 of U.S. Patent No. 5,939,250 in the event that such prior patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

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DIVERSA CORPORATION

Date: Feb 27, 2003

By: Carolyn A. Erickson
Carolyn A. Erickson
Vice President, Intellectual Property
Diversa Corporation



CTH
UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER 331400-45
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SEPTEMBER 16, 1996

PTAS

CARELLA ABYRNE BAIN GILFILLAN, ET AL
CHARLES J. HERRON
6 BECKER FARM ROAD
ROSELAND, NJ 07068



100216910A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 05/22/1996

REEL/FRAME: 7977/0892
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
SHORT, JAY M.

DOC DATE: 05/02/1996

ASSIGNEE:
RECOMBINANT BIOCATALYSIS, INC.
505 WEST COAST BOULEVARD
LA JOLLA, CALIFORNIA 92037

SERIAL NUMBER: 08651568
PATENT NUMBER:

FILING DATE: 05/22/1996
ISSUE DATE:

9/20/96

JOANN STEWART, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

QK9

40,00 581 1/10

FORM PTO-1595
(Rev. 8-93)

06-20-1996

DEPARTMENT OF COMMERCE
Patent and Trademark Office

VER

08/651563

OMB No. 0651-0044 (Rev. 4/94)



100216910

To the Honorable Commissioner of Patent and Trademarks:
Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Jay M. Short

Additional name(s) of conveying party(ies) attached:

☐ Yes ☒ No

Added 5-22-96

3. Nature of conveyance:

☒ Assignment

☐ Merger

☐ Security/Agreement

☐ Change of Name

☐ Other

Execution Date: May 2, 1996

2. Name and address of receiving party(ies):

Name: Recombinant BioCatalysis, Inc.

Internal Address: _____

Street Address: 505 West Coast Boulevard

City: La Jolla State: CA Zip: 92037

Additional name(s) & address(es) attached: ☐ Yes ☒ No

4. Application number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

B. Patent No.(s)

75000 U.S. PTO



06/19/96

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Charles J. Herron

Internal Address: Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein

Street Address: 6 Becker Farm Road

City: Roseland State: New Jersey Zip: 07068

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41),...\$ 40.00

☒ Enclosed

☐ Authorized to be charged to deposit account

8. Deposit account number:

03-0678

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Charles J. Herron

Name of Person Signing

Charles J. Herron
Signature

5/22/96
Date

Total number of pages including cover sheet, attachments, and document: 3

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments

For good and valuable consideration, the receipt of which is hereby acknowledged, each of the undersigned, Jay M. Short, hereby sells, assigns and transfers to Recombinant BioCatalysts, Inc. ("Assignee") having a place of business at 505 Coast Boulevard, La Jolla, California 92037, its successors, assigns and legal representatives, his entire right, title and interest for the United States and all other countries, in and to the improvement(s) known as:

COMBINATORIAL ENZYME DEVELOPMENT

also known as United States Application Serial No. _____, filed _____, and is entitled:

and in and to said application and all divisional, continuing, substitute, renewal, reissue and all other applications for Letters Patent which have been or shall be filed in the United States and all other countries on any of said improvements, and in and to all original and reissued patents which have been or shall be issued in the United States and all other countries on said improvements (hereinafter collectively, the "Patent Rights").

The undersigned further agrees that said Assignee may apply for and receive Letters Patent for said improvements in its own name; and, when requested, without charge to but at the expense of Assignee, its successors, assigns and legal representatives, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue and all other patent applications on all such improvements; execute all rightful oaths, assignments, powers of attorney and other papers; communicate to said Assignee, its successors, assigns and representatives all facts known to the undersigned relating to said improvements and the history thereof; and do everything possible which said Assignee, its successors, assigns or representatives shall consider desirable for aiding in securing and maintaining proper patent protection for said improvements and for vesting title to said improvements and all applications for patent and all patents on said improvements in Assignee, its successors, assigns and representatives.

The undersigned hereby represents and warrants to Assignee, its successors, assigns and representatives that no assignment, grant, mortgage, license or other right or agreement affecting the rights and property herein conveyed has been made to others by the undersigned and that full right to convey the same as expressed herein is possessed by the undersigned.

The undersigned hereby grants power to John N. Bain (Reg. No. 18,651); John G. Gilfillan, III (Reg. No. 22,746); Elliot M. Olstein (Reg. No. 24,025); Raymond J. Lillis (Reg. No. 31,778); Charles J. Herron (Reg. No. 28,019); William Squire (Reg. No. 25,378); and Gregory D. Ferraro (Reg. No. 36,134) to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document. Address correspondence and telephone calls to Charles J. Herron c/o f Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, 6 Becker Farm Road, Roseland, New Jersey 07068

IN WITNESS WHEREOF, this Assignment is executed by the undersigned on the date(s) opposite their signature(s):

Inventor's Signature: Jay M. Short Date: 5/2/96

STATE OF _____, COUNTY OF _____ SS.:

Before me this _____ day of _____, 1996 personally appeared the above named individual(s), to me known to be the person(s) who are described in and who executed the foregoing assignment instrument and acknowledged to me that they executed the same of their own free will for the purpose therein expressed.

Notary Public

Docket No. 331400-43

COMMUNICATION
MAY-02-1996 13:47

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P.07

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5807

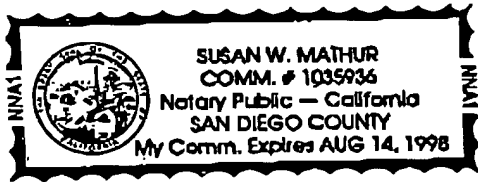
State of CALIFORNIA

County of SAN DIEGO

On MAY 2 1996 before me, SUSAN W. MATHUR
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared JAY M. SHORT
NAME(S) OF SIGNER(S)

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

SUSAN W. MATHUR
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- ☐ INDIVIDUAL
- ☐ CORPORATE OFFICER
- ☐ PARTNER(S)
- ☐ LIMITED
- ☐ GENERAL
- ☐ ATTORNEY-IN-FACT
- ☐ TRUSTEE(S)
- ☐ GUARDIAN/CONSERVATOR
- ☐ OTHER: _____

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

DESCRIPTION OF ATTACHED DOCUMENT

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE

#24

PATENT
DIV-1140-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Jay M. SHORT
U.S. Serial No. : 09/375,605
Filing Date : August 17, 1999
For: : **Production of Enzymes having Desired Activities by Mutagenesis**
Examiner : Nashaat T. Nashed, Ph.D.
Art Unit : 1652

TERMINAL DISCLAIMER

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Diversa Corporation of San Diego, California, U.S.A., the assignee of record of the entire right, title and interest of the subject application by virtue of an Assignment of prior application U.S. Serial No. 08/651,568, recorded May 22, 1996, a copy of which Assignment is attached hereto, hereby disclaims, except as provided below, the terminal portion of the statutory term of any patent granted on the above-identified patent application, U.S. Serial No. 09/375,605, which would extend beyond the earliest expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173 of U.S. Patent No. 5,958,672, and hereby agrees that any patent granted on the subject application shall be enforceable only for and during such period that the legal title to such patent shall be the same as the legal title to U.S. Patent No. 5,958,672, this agreement to run with any patent granted on the subject application and to be binding upon the grantee, its successors and assigns.

In making the above disclaimer, Diversa Corporation does not disclaim the terminal part of any patent granted on the subject application that would extend to the expiration date of the full

NEWYORK 62815v1

Terminal Disclaimer

Applicant: Jay M. Short

U.S. Serial No.: 09/375,605

Filed: August 17, 1999

Page 2

Docket No. DIV-1140-2

statutory term as defined in 35 U.S.C. §154 to §156 and §173 of U.S. Patent No. 5,958,672 in the event that such prior patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

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DIVERSA CORPORATION

Date: Feb. 27, 2003

By: Carolyn A. Erickson
Carolyn A. Erickson
Vice President, Intellectual Property
Diversa Corporation



CTH
UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER 331400-45
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SEPTEMBER 16, 1996

PTAS

CARELLA ABYRNE BAIN GILFILLAN, ET AL
CHARLES J. HERRON
6 BECKER FARM ROAD
ROSELAND, NJ 07068



100216910A

UNITED STATES PATENT AND TRADEMARK OFFICE
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RECORDATION DATE: 05/22/1996

REEL/FRAME: 7977/0892
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
SHORT, JAY M.

DOC DATE: 05/02/1996

ASSIGNEE:
RECOMBINANT BIOCATALYSIS, INC.
505 WEST COAST BOULEVARD
LA JOLLA, CALIFORNIA 92037

SERIAL NUMBER: 08651568
PATENT NUMBER:

FILING DATE: 05/22/1996
ISSUE DATE:

9/20/96

JOANN STEWART, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

229

40.00 581 7/D

FORM PTO-1055
(Rev. 8-93)

06-20-1996

DEPARTMENT OF COMMERCE
Patent and Trademark Office

VER

08/651583

OMB No. 0651-0047 (4/94)



100216910

To the Honorable Commissioner of Patent and Trademarks:
Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Jay M. Short

Additional name(s) of conveying party(ies) attached:

☐ Yes ☒ No

M.L.D. 5-22-96

3. Nature of conveyance:

X Assignment

☐ Merger

☐ Security/Agreement

☐ Change of Name

☐ Other

Execution Date: May 2, 1996

2. Name and address of receiving party(ies):

Name: Recombinant BioCatalysis, Inc.

Internal Address: _____

Street Address: 505 West Coast Boulevard,

City: La Jolla State: CA Zip: 92037

Additional name(s) & address(es) attached: ☐ Yes ☒ No

4. Application number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No. (s)

B. Patent No. (s)

75888 U.S. PTO



06/19/96

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Charles J. Herron

Internal Address: Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein

Street Address: 6 Becker Farm Road

City: Roseland State: New Jersey Zip: 07068

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41)....\$ 40.00

☒ Enclosed

☐ Authorized to be charged to deposit account

8. Deposit account number:

03-0678

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Charles J. Herron

Name of Person Signing

Charles J. Herron
Signature

5/22/96
Date

Total number of pages including cover sheet, attachments, and document: 3

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments

ASSIGNMENT

08/651563

For good and valuable consideration, the receipt of which is hereby acknowledged, each of the undersigned, Jay M. Short, hereby sells, assigns and transfers to Recombinant BioCatalysis, Inc. ("Assignee") having a place of business at 505 Coast Boulevard, La Jolla, California 92037, its successors, assigns and legal representatives, his entire right, title and interest for the United States and all other countries, in and to the improvements(s) known as:

COMBINATORIAL ENZYME DEVELOPMENT

also known as United States Application Serial No. _____, filed _____, and is entitled:

and in and to said application and all divisional, continuing, substitute, renewal, reissue and all other applications for Letters Patent which have been or shall be filed in the United States and all other countries on any of said improvements, and in and to all original and reissued patents which have been or shall be issued in the United States and all other countries on said improvements (hereinafter collectively, the "Patent Rights").

The undersigned further agrees that said Assignee may apply for and receive Letters Patent for said improvements in its own name; and, when requested, without charge to but at the expense of Assignee, its successors, assigns and legal representatives, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue and all other patent applications on all such improvements; execute all rightful oaths, assignments, powers of attorney and other papers; communicate to said Assignee, its successors, assigns and representatives all facts known to the undersigned relating to said improvements and the history thereof; and do everything possible which said Assignee, its successors, assigns or representatives shall consider desirable for aiding in securing and maintaining proper patent protection for said improvements and for vesting title to said improvements and all applications for patent and all patents on said improvements in Assignee, its successors, assigns and representatives.

The undersigned hereby represents and warrants to Assignee, its successors, assigns and representatives that no assignment, grant, mortgage, license or other right or agreement affecting the rights and property herein conveyed has been made to others by the undersigned and that full right to convey the same as expressed herein is possessed by the undersigned.

The undersigned hereby grants power to John N. Bain (Reg. No. 18,651); John G. Gilfillan, III (Reg. No. 22,746); Elliot M. Olstein (Reg. No. 24,025); Raymond J. Lillie (Reg. No. 31,778); Charles J. Herron (Reg. No. 28,019); William Squire (Reg. No. 25,378); and Gregory D. Ferraro (Reg. No. 36,134) to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document. Address correspondence and telephone calls to Charles J. Herron c/o of Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, 6 Becker Farm Road, Roseland, New Jersey 07068

IN WITNESS WHEREOF, this Assignment is executed by the undersigned on the date(s) opposite their signature(s):

Inventor's Signature: Jay M. Short Date: 5/2/96

STATE OF _____, COUNTY OF _____ SS.:

Before me this _____ day of _____, 1996 personally appeared the above named individual(s), to me known to be the person(s) who are described in and who executed the foregoing assignment instrument and acknowledged to me that they executed the same of their own free will for the purpose therein expressed.

Notary Public

Docket No. 331400-43.

MAY-02-1996 13:47

2019941744

P.07

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5907

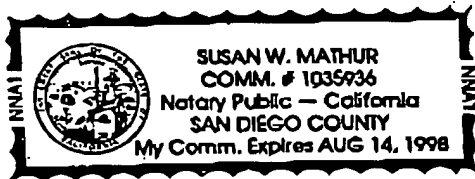
State of CALIFORNIA

County of SAN DIEGO

On MAY 2 1996 before me, SUSAN W MATHUR
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared JAY M. SHORT
NAME(S) OF SIGNER(S)

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

SUSAN W MATHUR
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- ☐ INDIVIDUAL
☐ CORPORATE OFFICER

TITLE(S)

- ☐ PARTNER(S) ☐ LIMITED
☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

DESCRIPTION OF ATTACHED DOCUMENT

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE

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Total Number of Pages: 15

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To: Examiner Nashaat T. Nashed, Ph.D. 703-305-3014/703-308-4242 / 703-305-
United States Patent and Trademark 6586
Office

From: Jane M. Love, Ph.D.
212-937-7233

Date: June 12, 2003

Note: Please see the attached.

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Client Matter Number: 112766.158
Return To: 2942

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